

REMARKS

In the Office Action, the Examiner rejected Claims 1-11 and 13-17 under 35 U.S.C. 102 as being fully anticipated by U.S. Patent 4,591,730 (Pennonni). The Examiner objected to Claim 12 as being dependent from a rejected base claim, and indicated that Claim 12 would be allowed if appropriately re-written.

Independent Claims 1, 14, 16 and 17 are being amended to better define the subject matters of these claims.

Also, Claim 12, which was previously dependent directly from Claim 1, is being rewritten in independent form including all of the limitations of Claim 1. It is believed that this overcomes the objection to Claim 12 and places the claim in condition for allowance without further amendment or discussion. The Examiner is thus requested to reconsider and to withdraw the objection to Claim 12 and to allow this claim.

In addition, for the reasons discussed below, Claims 1-11 and 13-17 patentably distinguish over the prior art and are allowable. The Examiner is also respectfully asked to reconsider and to withdraw the rejection of Claims 1-11 and 13-17, and to allow these claims.

Generally, Claim 1-11 and 13-17 patentably distinguish over the prior art because the prior art does not disclose or suggest the procedure, described in independent Claims 1, 14, 16 and 17, for calculating the length of processing time needed to perform a defined task.

The present invention, generally, relates to a method and system for measuring system performance when a task is started by one device and finished by another device. As explained in the present application, measuring system performance under these conditions can be difficult if subsecond temporal accuracy is required, because the two devices may have different clocks that are not in synchronization.

The present invention addresses this problem by using a single logging device, separate from both of the above-mentioned devices, to keep track of when the task begins and ends. More specifically, when the first device starts the task, a notification to this effect is sent to the logging device. Similarly, when the second device completes the task, notification of this is also sent to the logging device.

The logging device, using its own clock, determines a length of time between receipts of the two notifications, and this is considered the length of time needed to perform or complete the task. In order for the logging device to know which start notification should be matched with a particular, received end notification, the notifications are provided with appropriate keywords.

Since, in accordance with this invention, a single system clock is used, there is no need to synchronize multiple system clocks in multiple systems that may need performance measurement. The use of the single system clock readily allows high-accuracy performance measurements.

Pennoni, the only reference relied on by the Examiner in the last Office Action to reject the claims, describes a system for maintaining a stable master clock, for example on a satellite, to supply the timing in a time division multiple access system. Generally, this is done by locking the satellite clock to a selected uplink burst clock. The burst signals may be provided from an onboard automatic switching unit. Phase differences between consecutive burst signals are determined and used to correct the master clock.

There is, thus, a very important difference between the present invention and the method and system disclosed in Pennoni. Specifically, this invention is used to measure the length of time needed to complete a defined processing task, while the Pennoni system is not used for this purpose. Instead, the Pennoni procedure is used to correct or adjust a master clock, based on the phase difference between consecutive burst signals.

Independent Claims 1, 14, 16 and 17 describe the above-discussed feature of the invention. In particular, Claim 1 sets forth the steps of a logging device receiving a first notification when the defined processing task is started by the first data processing device, and receiving a second notification when the defined processing task is finished by the second data processing device. Claim 1 also describes the step of calculating processing time for performing said defined processing task, from start to finish, by comparing process start time data and process end time data.

Analogously, Claim 14, which is directed to a data processing system, includes a first data processing device that starts a defined processing task, and a second data processing device for finishing that processing task. This claim also describes logic for receiving a first notification when said defined processing task is started by the first data processing device, logic for receiving a second notification when said defined processing task is finished by the second data processing device, and logic for calculating processing time for performing said defined processing task, from start to finish, by comparing process start time data and process end time data.

Claim 16 is directed to a data logging system and includes the above-described logic also described in Claim 14. In particular, Claim 16 describes logic for calculating processing time for performing the defined processing task, from start to finish, by comparing process start time data and process end time data.

Claim 17 is directed to a programmable media containing programmable software, and this software is described as comprising, *inter alia*, receiving and calculating steps similar to those discussed above in connection with Claim 1. Specifically, Claim 17, like Claim 1, describes the step of calculating processing time for performing said defined processing task, from start to finish, by comparing process start time data and process end time data.

The other references of record have been reviewed, and it is believed that these other references, whether considered individually or in combination, are no more pertinent than Pennoni. In particular, these other references also do not disclose or suggest the procedures, described in independent Claims 1, 14, 16 and 17, for calculating the length of processing time needed to perform a defined task.

Because of the above-discussed differences between Claims 1, 14, 16 and 17 and the prior art, and because of the advantages associated with these differences, it cannot be said that any of these claims is anticipated by, or is obvious in view of, the prior art. Accordingly, Claims 1-14, 16 and 17 patentably distinguish over the prior art and are allowable. Claims 2-11 and 13 are dependent from Claim 1 and are allowable therewith. Likewise, Claim 15 is dependent from, and is allowable with, Claim 14.

For the reasons explained above, the Examiner is respectfully requested to reconsider and to withdraw the rejection of Claims 1-11 and 13-17 under 35 U.S.C. 102 and the objection to Claim 12, and to allow Claims 1-17. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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